



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
 REGION IX
 75 Hawthorne Street
 San Francisco, CA 94105

December 20, 2018

Certified Mail Number 7011 1570 0002 9580 5355
 Return Receipt Requested

Kurt L. Darrow, CEO and President
 La-Z-Boy Incorporated
 1 La-Z-Boy Drive
 Monroe, Michigan 48162

Re: CERCLA Section 104(e) Information Request Letter
 Orange County North Basin Study Area, Orange County, California

Dear Mr. Darrow:

The U.S. Environmental Protection Agency is spending public funds to investigate actual or threatened releases of hazardous substances, pollutants, and contaminants at the Orange County North Basin ("OCNB") Study Area, located in Orange County, California. The OCNB Study Area includes portions of Fullerton, Placentia, and Anaheim where groundwater is contaminated with volatile organic chemicals ("VOCs"). EPA is seeking La-Z-Boy Incorporated's (you or the Company's) cooperation in providing information and documents related to this investigation. This letter requests information you may have pertaining to the corporate successorship of Daystrom Furniture Corporation (f/k/a, Daystrom Balboa Corporation; f/k/a, Daystrom Pacific Corporation), formerly located at 311 South Highland Avenue, Fullerton, California (the Facility) that will assist in EPA's investigation of this groundwater contamination. You are requested to answer the questions in Enclosure B. Definitions and instructions on how to respond are provided in Enclosure A.

The Comprehensive Environmental Response, Compensation and Liability Act (CERCLA, 42 U.S.C. §9600 *et seq.*) Section 104(e) provides EPA with broad information-gathering authority allowing EPA to require persons to furnish information or documents relating to:

- (A) The identification, nature, and quantity of materials which have been or are generated, treated, stored, or disposed of at a vessel or facility or transported to a vessel or facility;
- (B) The nature or extent of a release or threatened release of a hazardous substance or pollutant or contaminant at or from a vessel or facility; and
- (C) Information relating to the ability of a person to pay for or perform a cleanup.

The information provided may be used by EPA in administrative, civil, or criminal proceedings.¹ The Company's response should include the name, address, and telephone number of the person to whom EPA should direct future correspondence regarding this information request.

¹ This request for information is not subject to review by the Office of Management and Budget under the Paperwork Reduction Act, because it is not an "information collection request" within the meaning of 44 U.S.C. §§3502(3), 3507, 3512, and 3518(c)(1); see also, 5 C.F.R. §§1320.3(c), 1320.4, and 1320.6(a).

You may consider some of the information requested herein to be confidential, but you may not withhold information on that basis. If you wish EPA to treat the information as confidential, you must advise EPA of that request following the procedures outlined in Enclosure A, including following the requirements for supporting your confidentiality claim.

Compliance with this information request is mandatory. Failure to respond fully and truthfully may result in an enforcement action by EPA pursuant to CERCLA §104(e)(5), which authorizes EPA to seek penalties of up to \$55,907 per day of noncompliance. Additionally, provision of false, fictitious, or fraudulent statements or representations could subject you to criminal penalties under 18 U.S.C. §1001.

We encourage you to give this request your immediate attention and request that you provide a complete and truthful response **within thirty (30) calendar days of your receipt of this letter**. EPA is committed to moving forward with its investigation, and extensions of time for responses will only be granted on a showing of good cause. If you anticipate that you will need an extension, please request one as soon as possible; requests for extensions made at or near the deadline will not be viewed favorably. The Company's response to this information request should be prepared in the form of a letter together with any enclosures, and signed by a duly authorized representative. If possible, please submit your response as an electronic document, rather than mailing physical documents.

The response to this information request should be directed to:

Kim Muratore, Case Developer (SFD-7-5)

Email address: muratore.kim@epa.gov

Mailing address: U.S. EPA, Region 9, 75 Hawthorne St., San Francisco, CA 94105

To the extent that the Company has been, or is currently, working with a State or local regulatory agency, such as the Regional Water Control Board ("RWQCB") or Department of Toxic Substances Control ("DTSC"), you should continue to do so. EPA's investigation into current and historic potential sources to groundwater contamination is intended as a concurrent activity.

If you have any questions, please contact Ms. Muratore at (415) 972-3121 or send her an email. Questions regarding the OCNB Study Area's cleanup status should be directed to the Remedial Project Manager, Angela Sandoval, at 415-972-3831 or sandoval.angela@epa.gov. Legal questions can be directed to Bethany Dreyfus at (415) 972-3886 or dreyfus.bethany@epa.gov. Thank you for your prompt attention to this matter.

Sincerely,

A handwritten signature in cursive script that reads "Loren Henning".

Loren Henning, Manager
CERCLA Enforcement Section
Superfund Division

Enclosures (2)

ENCLOSURE A: INSTRUCTIONS AND DEFINITIONS

Instructions:

1. Answer Every Question Completely. A separate response must be made to each of the questions in Enclosure B. For each question, if information responsive to this information request is not in the Company's possession, custody, or control, identify any persons from whom such information may be obtained.
2. Number Each Answer. When answering the questions in Enclosure B, precede each answer with the corresponding number of the question and subpart to which it responds.
3. Number Each Document. For each document produced, indicate on the document, or in some other reasonable manner, the number of the question to which the document corresponds.
4. Provide the Best Information Available. Provide responses to the best of the Company's ability, even if the information sought was never put down in writing or if the written documents are no longer available. The Company should seek out responsive information from current and former employees and agents. Submission of cursory responses when other responsive information is available will be considered non-compliance with this information request.
5. Identify Sources of Answer. For each question, identify all persons and documents that the Company relied on in producing its answer.
6. Continuing Obligation to Provide/Correct Information. If additional information or documents responsive to this information request become known or available to the Company after your response has been submitted, EPA hereby requests, pursuant to CERCLA §104(e) that the Company supplement its response.
7. Scope of Request. The scope of this request includes all information and documents independently developed or obtained by research on the part of the Company, its attorneys and consultants, or any of their agents, consultants, or employees.
8. Confidential Information. The information requested herein must be provided even if the Company may contend that it includes confidential information or trade secrets. The Company may assert a confidentiality claim covering part or all of the information requested, pursuant to Sections 104(e)(7)(E) and (F) of CERCLA, 42 U.S.C. §§9604(e)(7)(E) and (F), and Section 3007(b) of RCRA, 42 U.S.C. §6927(b), and 40 C.F.R. §2.203(b). For each piece of information over which the Company makes a claim of confidentiality, that claim must be proven. Accordingly, for each document or response the Company claims as confidential, it must separately address the following points:
 - (a) Identify the specific portions of the information alleged to be entitled to confidential treatment;

- (b) Identify the period of time for which confidential treatment is desired (e.g., until a certain date, until the occurrence of a specific event, permanently);
- (c) Identify measures taken by the Company to guard against the undesired disclosure of the information to others;
- (d) Explain the extent to which the information has been disclosed to others and the precautions taken in connection therewith;
- (e) Provide pertinent confidentiality determinations, if any, by EPA or other federal agencies, and a copy of any such determinations or reference to them, if available; and
- (f) State whether the Company asserts that disclosure of the information would likely result in substantial harmful effects to the Company's competitive position, and if so, what those harmful effects would be, why they should be viewed as substantial, and an explanation of the causal relationship between disclosure and such harmful effects.
- (g) To make a confidentiality claim, please stamp, or type "confidential" on all confidential responses and any related confidential documents. Confidential portions of otherwise nonconfidential documents should be clearly identified. The Company should indicate a date, if any, after which the information need no longer be treated as confidential. Please submit the Company's response so that all nonconfidential information, including any redacted versions of documents, are in one envelope and all materials for which the Company desires confidential treatment are in another envelope.
- (h) All confidentiality claims are subject to EPA verification. It is important that the Company satisfactorily show that it has taken reasonable measures to protect the confidentiality of the information and that it intends to continue to do so, and that the information is not and has not been obtainable by legitimate means without the Company's consent. Information covered by such claim will be disclosed by EPA only to the extent permitted by CERCLA Section 104(e). If no such claim accompanies the information when it is received by EPA, then it may be made available to the public by EPA without further notice to the Company.

9. Disclosure to EPA's Representatives. Information that the Company submits in response to this information request may be disclosed by EPA to authorized representatives of the United States pursuant to 40 C.F.R. §2.310(h), even if the Company asserts that all or part of it is confidential business information (CBI). EPA may also share this information with other parties, such as co-regulatory agencies, if the Company has been notified in advance. Parties to which EPA intends to disclose information contained in the Company's response are as follows:

Department of Toxic Substances Control
California Environmental Protection Agency

Regional Water Quality Control Board
California Environmental Protection Agency

Toeroek Associates, Inc.

Any subsequent additions or changes to this list of who may be granted access to the Company's response to this information request will be published in the Federal Register. This information may be made available to these entities for any of the following reasons: to assist with document handling, inventory, and indexing; to assist with document review and analysis for verification of completeness; to provide expert technical review of the contents of the response; or as a co-regulatory agency. Pursuant to 40 C.F.R. §2.310(h), the Company may submit comments on EPA's potential disclosure of any confidential information to these entities within the thirty (30) calendar day period in which the response is due.

10. Objections to Questions. If the Company has objections to some or all of the questions contained in the information request, it is still required to respond to each of the questions.

Definitions Applicable to Enclosure B, Information Request:

1. Any reference to La-Z-Boy Incorporated ("you" or "the Company") should be interpreted to include, but not be limited to, all officers, directors, shareholders, general partners, limited partners, managers, employees, contractors, assigns, agents, trustees, predecessors, successors, subsidiaries, operating divisions, affiliates and branches.
2. The term "person" includes any individual, firm, unincorporated association, partnership, corporation, trust, joint venture, or other entity.
3. The term "waste" or "wastes" includes trash, garbage, refuse, by-products, solid waste, hazardous waste, hazardous substances, and pollutants or contaminants, whether solid, liquid or sludge.
4. The term "hazardous waste" has the same definition as that contained in Section 1004(5) of RCRA.
5. The term "hazardous substance" has the same definition as that contained in CERCLA §101(14), and includes any mixtures of such hazardous substances with any other substances, including mixtures of hazardous substances with petroleum products or other nonhazardous substances.
6. The term "release" has the same definition as that contained in CERCLA §101(22), and includes any spilling, leaking, pumping, pouring, emitting, emptying, discharging, injecting, escaping, leaching, dumping, or disposing into the environment, including the abandonment or discharging of barrels, containers and other closed receptacles containing any hazardous substance or pollutant or contaminant.
7. The term "pollutant or contaminant" has the same definition as that contained in CERCLA §101(33) and include any mixtures of such pollutants and contaminants with any other substance including petroleum products.

8. The term “materials” means all substances that have been generated, treated, stored, or disposed of or otherwise handled at or transported to the Site including, but not limited to, all hazardous substances, pollutants or contaminants.
9. The term “documents” includes any written, recorded, computer generated, or visually or aurally reproduced material of any kind in any medium in your possession, custody, or control or known by you to exist, including originals, all prior drafts, and all non-identical copies.
10. The term “Facility” includes the entire property as defined or any discrete portion thereof, plus any improvements thereto. If the Company’s answer refers only to a discrete portion of the Facility, it should specify which portion is being referred to.

ENCLOSURE B: INFORMATION REQUEST

This request seeks information that the Company may have about Daystrom Furniture Corporation (f/k/a, Daystrom Balboa Corporation; f/k/a, Daystrom Pacific Corporation), a California corporation (“Daystrom Furniture”) that formerly operated at the Facility.

1. State the full legal name, address, telephone number, email address, and position(s) held by any individual answering any of these questions on behalf of La-Z-Boy Incorporated (“the Company”).
2. Identify the individuals who were responsible for environmental matters of Daystrom Furniture’s former facility located at 311 South Highland Avenue, Fullerton, California (the “Facility”) during its operation at this address. For each individual responsible for environmental matters, provide his/her full name, current or last known address, current or last known telephone number, position titles, and the dates the individual held such positions.
3. Identify all current and former employees who have knowledge of Daystrom Furniture’s operations at the Facility that relate to the creation, use, storage, or disposal of PCE, TCE, 1,1,1-TCA, 1,1-DCE, 1,4-dioxane, or perchlorate. This includes individuals whose job functions included operations that utilized or generated these hazardous substances, or who were responsible for storing/ filling/disposing of hazardous substances and/or wastes containing the above-identified chemicals. For each individual, provide his/her full name, current or last known address, current or last known telephone number, position title, and the dates the individual held such position.
4. Identify all current and former employees who have knowledge of Daystrom Furniture’s operations at the Facility that relate to the physical layout of each operational area of the Facility, who could explain the day-to-day flow of the operations, or who know the location of physical features such as clarifiers, degreasers, and above- and below- ground storage tanks. For each individual, provide his/her full name, current or last known address, current or last known telephone number, position title, and the dates the individual held such position.
5. Describe the corporate relationships (e.g., parent, subsidiary, division, predecessor, successor) between the following entities: Daystrom Furniture; Daystrom, Incorporated, a New Jersey corporation; Daystrom, Incorporated, a Texas corporation; Schlumberger Limited; Sperry & Hutchinson Co.; LADD Furniture, Inc.; and the Company.
6. Describe all mergers, asset purchases, stock purchases, or other transactions that occurred between any of the following entities that relate to transfers of the business or assets of Daystrom Furniture: Daystrom Furniture; Daystrom, Incorporated, a New Jersey corporation; Daystrom, Incorporated, a Texas corporation; Schlumberger Limited; Sperry & Hutchinson Co.; LADD Furniture, Inc.; and the Company. Provide executed copies of all agreements, including exhibits, that evidence these transactions.
7. Identify any parties who assumed the liabilities of Daystrom Furniture and provide copies of all documentation that evidences the transfer and assumption of those liabilities.

8. Identify any parties who assumed the liabilities of Daystrom, Incorporated, a New Jersey corporation, that relate to the furniture business. Provide copies of all documentation that evidences the transfer and assumption of those liabilities.
9. State whether the Company acquired any assets of Daystrom Furniture or assumed any liabilities related thereto as part of its acquisition of LADD Furniture, Inc. in about 1999. If so, provide copies of all documentation that evidences the transfer of those assets and/or the assumption of those liabilities.
10. State whether the Company or any of its predecessors have been involved in investigation, sampling or remediation activities at the Facility. If so, describe those activities and the context in which they were performed (e.g., real estate sale or purchase, state agency request, etc.). Please also state whether the Company is aware of any planned future soil, soil gas, or groundwater sampling at the Facility, and if so, please explain.